

BOARD OF ADJUSTMENT/ PLANNING & ZONING COMMISSION
REGULAR MEETING
Monday, July 26, 2021 @ 4:00 PM
CITY OF LAS VEGAS COUNCIL CHAMBERS
1700 NORTH GRAND AVENUE, LAS VEGAS, NEW MEXICO
In Person – recorded on YouTube

Chairman Mack Crow called the City of Las Vegas Planning & Zoning Commission meeting to order at 4:00 pm. Mr. Crow than requested a roll call.

ROLL CALL:

Present:

Mack Crow
Joe Coca
Dianne Lindsay
Mike Sweeney
Manny Barela
Eugene Romero (came in at 4:05pm)

Absent:

Staff Members Present:

Maria Perea, P&Z Coordinator

Chairman Mack Crow asked that the minutes reflect that there is a quorum. Then he asked that everyone stand up to recite the Pledge of Allegiance.

APPROVAL OF AGENDA

Chairman Crow stated that before they approve the agenda, he would like to invert Item VI and Item VII. He would like to conduct New Business first, and then the Old Business. Motion made to approve the agenda as amended by Ms. Dianne Lindsay, motion seconded by Mr. Mike Sweeney. Chairman Crow restated the change in the agenda to move Item VII. New Business first then Item VI. Old Business next. Chairman Crow asked all in favor of approving the agenda as amended, say "Aye". All members said "Aye". All opposed say nay. No opposition. Chairman Crow stated the motion to approve the agenda as amended was approved.

APPROVAL OF MINUTES

Chairman Crow stated that next on the agenda was the approval of minutes for April 26, 2021, which were included in the June 28, 2021 packet provided. Chairman Crow stated that he found no changes or corrections on the minutes. Motion to approve the minutes as presented was made by Mr. Mack Crow, motion was seconded by Ms. Dianne Lindsay. Chairman Crow asked all in favor of approving the minutes as presented say "Aye". All members said "Aye". All opposed say "Nay". No opposition. Chairman Crow stated that the minutes are approved as presented.

NEW BUSINESS

Chairman Crow stated that the next item on the agenda was New Business and asked everyone that was going to testify on any of the items to stand up and be sworn in. All were sworn in.

Chairman Crow continued that the first item is for the Board of Adjustment, Approval or Disapproval of an Application for a Variance on front set-back requirements to construct a carport in the front yard to protect vehicles in inclement weather. Application was submitted by Gail J. Rains, Property owner.

Chairman Crow stated that before we go any further, he does not vote unless there is a tie. Mr. Joe Coca asked if that was correct since we had five other members present. Mr. Mike Sweeney stated that would be true if one of the members abstained from voting.

Chairman Crow asked Ms. Rains to come up and speak.

Ms. Gail Rains stated that she was constructing the carport on her property, partially for the reason stated, but mainly because of health reasons for her 20-year-old son who is ill and walks with a limp. She does not want him to fall and hurt himself. During inclement weather he suffers a lot and can fall, and he cannot stop himself. The carport is next door to her neighbor, Benny Romero, on whose property she is encroaching, but Mr. Romero is okay with it. She is trying to protect her child; it is her property, and she is not bothering any of the neighbors with what she is doing. She wants this approved so she can finish doing what she needs to do. Ms. Rains stated that she took the porch down, which was made of wood, and she wants to extend it to match the existing carport. Ms. Rains stated that she wants to do whatever she needs to do to get it done properly. She stated that she thinks that what she does on her property is her business, she doesn't stop any of the neighbors from doing what they want on their property. The bulk of this project is for health and protective reasons. Nobody wants their child to slip on ice and hit their head. The way it is now, after the porch was removed, the water comes all the way to my door. She stated that she would like to take care of this before winter.

Chairman Crow asked if any of the Commissioners had any questions.

Ms. Dianne Lindsay advised that she is looking at the picture/drawing, where it shows about 6'6" past the line, but she was not clear if there was a carport there already. Ms. Rains stated that there is one. She stated that the carport is on one side, and she had a porch about 8'-10' wide from the door. She had flagstone there, but her son cannot walk on the flagstone. No matter how hard you try, you cannot lay it flush, so she decided to do concrete instead as that is safer for everyone. She now wants to extend the porch to match with the carport, because if not the water comes in between there and there will still be black ice.

Ms. Dianne Lindsay asked, right now you have a carport that extends out 15 feet, and the side part is not clear on the drawing. Ms. Rains stated that the property where the existing carport is right now, it belongs to Benny Romero and his address is 713 Coronado Drive. Ms. Rains stated that she talked to Mr. Romero, and he is fine with it. She stated that she could leave Mr. Romero's telephone number with the Board if they have any questions.

Ms. Dianne Lindsay asked if the edge of the carport was on the property line and again asked if the carport already existed. Ms. Rains stated that if you are looking at her house, the carport is on the left side of the property, the porch would be right in the middle and the right side of the property is open. She again stated the location of the carport and where the porch was. All I want to do is cover it from the left side to the right.

Mr. Eugene Romero asked if the existing carport, the one that is there now, was built past the egress for the property. Ms. Rains asked what he meant. Mr. Eugene Romero stated that according to the drawing, the existing carport does not meet the setbacks from the property line, is that correct? Are you just wanting to do it to match? Ms. Rains stated she just wanted to extend it to match. Mr. Eugene Romero asked Ms. Rains if she said that the one that is there is on the left side facing your property. Ms. Rains stated that on her property, the front door faces the east, so if I am standing in the front of my property, it is on the left-hand side. It is adjacent to 713 Coronado Drive. Mr. Eugene Romero stated that one is currently encroaching past the setbacks of what is allowed by ordinance. Ms. Rains stated that she is confused with some of the language.

Ms. Maria Perea stated that Ms. Rains front door faces north, not east. Ms. Rains stated yes, it does face north.

Mr. Eugene Romero again asked, so facing your house, the existing carport is on the left. Ms. Rains responded yes. Mr. Eugene Romero asked Ms. Rains if she was just going to follow the same roof line. Ms. Rains replied, yes, I just want to extend it.

Mr. Joe Coca asked Ms. Rains if there was a red truck parked there as he wanted to know if he had the right property. Ms. Rains stated that yes, there is a red truck parked there and she needed to explain that. Ms. Rains stated that she has a 16-year-old son who got his GED in November, and he started taking auto body classes at Luna in January.

The truck was at Luna until May. In May, he had to bring the truck down as they do not offer auto body classes during the summer. In August, when they start back with the auto body classes, it is going back to Luna to restore. That is why the truck is there. She continued that there are people that are saying that she is running an auto body shop there.

Mr. Manny Barela asked Ms. Rains how high the roof was. Ms. Rains was not sure, but it comes out from the roof of the house, and she only has a one-story house. Mr. Manny Barela repeated what Ms. Rains said and asked if there were any obstructions or walls. Ms. Rains stated that they had put siding, but it was taken down. She is having Leo order her some clear plexiglass panels to put up there to cover it, but we can still see through. Mr. Barela asked, so it will not obstruct the view for the neighbors going by and keep them from seeing down the street.

Ms. Rains continued, the house next to mine, where the carport encroaches, is Benny Romero's. Benny has not rented that house out in about 4 years. She stated that they take care of the house for him. Mr. Romero has asked them to park cars there as they see strangers roaming around and late at night, they see random men roaming around the area. Benny has asked that they park there to make it look as if someone is living there, because he is worried about the property. They Park their cars there in the driveway as you can tell when a house is not being lived in.

Mr. Manny Barela asked, as far as the floor goes, it is going to be concrete. Ms. Rains stated that there is already existing concrete there where the carport is. It was a 2-car driveway. Mr. Manny Barela stated that he was glad it was concrete as it is a lot better than flagstone. Flagstone sometimes you can make it real nice, but you can still trip on it.

Mr. Mike Sweeney asked if they had taken the flagstone off already. Ms. Rains replied, yes, the flagstone is gone.

Chairman Crow asked if anyone had any more questions.

Mr. Eugene Romero asked, when your carport was built, did you pull a permit for that? If you are here today saying that you want to add to it and it does not meet setbacks, how was that one done without meeting setbacks. Ms. Rains responded that at that time she did not know she needed one as it was off my property. When she called someone, she thought she had to go through the state. The state asked if she was building something new. She stated no that she was extending from my house. She recently spoke with Ben Maynes, he helped with the paperwork, and he stated that they could cover the permit once they go this meeting, and they could do a permit to cover everything.

Mr. Eugene Romero asked if the permit would cover the new project. Ms. Rains responded that Ben told her it would cover everything.

Chairman Crow stated that prior to the meeting, a letter was submitted to the Board by Maria. Chairman Crow proceeded to read the letter. (A copy of the letter is attached to the minutes). After the letter was read, Ms. Rains responded that she had already addressed the issue with the truck. She stated that her boys are welders but the stuff they work on is their own and they are not running a business. The older son works for Magnum Welders, but he is not working full time for them since he got sick. Right now, he is like a gopher as he cannot do a lot. He runs errands for them. Also, her dad needed some trailers fixed and the boys fixed them at the house. Benny has allowed them to park trailers and other vehicles in the back yard. They do not park any trailers in anybody's front yard and mentioned the names of the neighbors who signed the letter. When their friends come over, they park in front of her house, in front of Benny's house or across the street in front of the house of Rose Trujillo. Ms. Rains stated that Ms. Trujillo has not lived in the house for about 3 years. Ms. Rains continued, it is disheartening to see that we parked in front of their houses when in the winter when it snows, my boys go and clean the snow for this people. They clear the street because we know that sometimes the city is not going to be there for a few days and people do have to get out and go to work. Ms. Rains stated again that they do not park at the neighbor's houses nor do the friends. If any of the neighbors have any complaints about anything, it would be Benny Romero and he has allowed them to park there. As far as the vehicles, between her and her sons, they probably have 5 or 6 vehicles that they have titles for. They are her vehicles and if she cannot park them in my yard, where is she supposed to park them. She stated that she pays taxes, she pays her mortgage, and she does not bother any of this people.

Chairman Crow advised Ms. Rains that he did not think that this was not intended to upset her. Ms. Rains responded that she was the type of person to take care of the neighbors as best as she can. She stated that there are elderly people on that block and when the COVID virus hit, out of kindness, she provided bags of products to keep them from going to the store. She stated that she knew how dangerous the virus was and that is the type of neighbor she is. She spoke about other things she did for the neighbors. She stated that when the real heavy snow fell, she saw Ms. Mishler out there with a shovel and almost in tears. Her boys and their friends cleared the walk for her. She continued that her boys do not ask to be paid for things like that. They do it because they know people have places to go.

Chairman Crow stated that is appreciated. Ms. Rains responded by some. Chairman Crow stated that it is appreciated. Anytime you do something for someone, it is appreciated.

Ms. Rains continued that she is there to make things right and do whatever she needs to do to get it done. If she needs to get the encroachment approved, or whatever she needs to do, but she is trying to finish what she needs to do in her yard. She stated that she is not bothering anybody else and what she does on her yard is not bothering anybody else.

Chairman Crow asked if there were any other questions or comments.

Mr. Manny Barela asked, if you are not doing anything commercial, which is what I understand, are you obstructing anyone's view. If there is going to be anything there, it is probably just going to be a post at the corner of the carport and it is not obstructing anybody's view of the street. Ms. Rains responded that the boys do oil changes under there for their vehicles. They are working on their cars. Mr. Manny Barela asked, that is your car? Ms. Rains responded, exactly, they do oil changes underneath the carport. She continued, as stated earlier, the boys fixed a couple of trailers for my dad. They welded them under there. One of my sons is making a bench for his class project. That is why she is not understanding that they are not running a business. When people said they saw the red truck there, why they did not come and ask her why the truck was there. That truck is going back to Luna in about 3 weeks or so when they start the new semester. It is insane that they think she is running an auto body shop. The work that the boys are doing is on vehicles are on their own cars. She continued that would be like one of you guys changing the oil on your motorcycle, or washing your own cars, or doing maintenance on your car and someone saying you cannot do that because you are running a car wash. You are not running a car wash; you are washing your own vehicle.

Mr. Manny Barela commented that sounded very familiar to him and asked Maria if that was familiar to her to. he continued that he went through that.

Ms. Rains stated that she knew what he meant. She said that instead of jumping to conclusions, why didn't the neighbors just ask her. She continued about her kids trying to get his education and stated that her kids were good hard-working kids. That she does not have to worry about them being on drugs and they are not out there breaking into people's houses. Ms. Rains stated that she could see if her kids were criminals, that this people could not sleep at night because they were worried that her kids were going to break into their homes, or steal things from their porches. She stated that you do not see kids playing outside anymore. They are all inside playing video games. She stated that people do not want to work even though there are a lot of jobs out there and she feels that they are being penalized because they are trying to be honest, hardworking, helping citizens. She repeated the statement about random guys trying to walk into their houses and it is because one of the neighbors is inviting them over in the middle of the night.

A lady (name unknown) said, Excuse me, can I please respond to that. Chairman Crow stated yes and asked her to step up to the front. The lady continued that the reason she is here today is because she knew Ms. Rains would bring up something like that. She continued that those are false accusations and I want her to stop that. She continued that the reason that people do not approach her is that she is a vicious, vindictive person. She stated that recently Ms. Rains verbally attacked one of the elderly neighbors. That she could be heard by the neighbors. She went on to talk about her adopted child and that Ms. Rains called CYFD on her. She stated several times that she is not going to put up with that and accuse her husband who also helps the neighbors just like Ms. Rains sons. She repeated what she had already said again. She stated that Ms. Rains is welcome to build her carport and that when they wrote their

petition, Ms. Rains had full panels of propanel, and you could not see down. She repeated what she had said about false accusations and said this was slanderous.

At this point, Chairman Crow asked Ms. Rains to have a seat.

Ms. Maria Perea asked the speaker for her name and address. Speaker stated that her name was Nicole Collins and 712 & 714 are the homes that she owns.

Chairman Crow asked Ms. Collins if she had anything else to add. Ms. Collins stated that if she wants to build her carport, she can build it to ordinance, we do not mind. She talked about a wall, whether Ms. Rains was going to take it down or what. She stated that right now it is against the ordinance. She stated that it was Ms. Rains fault in a way, if we have to follow rules, we all have to follow the rules.

Chairman Crow thanked Ms. Collins for coming up and asked the next person that came up for her name and address. Individual stated that her name was Priscilla Torres, and her address is 713 Coronado Drive. Ms. Torres spoke about an incident that happened the week before while she was taking a walk with her dog and the route she took during her walk. She stated that Ms. Rains drove up in her car and started yelling at her "You fucking hypocrites, you go to church every Sunday and you come and do this to your neighbor". Ms. Torres stated that she said that work about ten times and that she asked Ms. Rains to watch her language. She stated that there were several people listening and that in all her 25 years of teaching did she ever hear that word: and not even from her family, her husband or anyone else. She stated that she did not appreciate being treated like that. She stated that her dog even got scared with all the yelling. Ms. Torres stated that Ms. Rains feels that the sidewalk by her house is her property.

Chairman Crow thanked Ms. Torres for her time.

Mr. Joseph Torres came up to speak. He stated that Ms. Rains has been very helpful to a lot of people and gave some examples of her assistance. Chairman Crow asked Mr. Torres to speak a little louder. Mr. Torres asked if there was mic or something. Chairman Crow stated that there is supposed to be one right there, but he did not know if it worked. Mr. Torres continued that she had been very helpful, but that other people had done the same for her when her son got sick. He stated that his wife gave her money to help her, and that Ms. Rains cannot say that she is the only doing it. He stated that their block is very friendly and quiet. He stated that they have young people living there because it is quiet and safe. He continued that Ms. Rains did have a porch it was with the city code. He stated that he went and told the people building the carport to follow the code, otherwise they were going to be in trouble. They continued extending it further. He talked about putting concrete, and that he also had a porch, and it was to City code. He stated that extending it that far out was wrong and if you accept that, you are setting a bad example where other people can go extend whatever they want. He spoke about a neighbor who wanted to build a porch close to the neighbor's property and the City told them they could not do it, so they did not do it. He stated that there was several that had porches and they did follow the code. He also wondered how long it takes to do an oil change on a vehicle, as they do that every day. He stated what Ms. Rains did, as long as she followed the code. He asked that Ms. Rains stop yelling at his wife and that he was the one doing the petition.

Chairman Crow thanked Mr. Torres for his input and asked the next person if she had something to say.

Ms. Joann Alcon-Ortiz stepped up and stated that she owned property on Coronado Drive at 712 Coronado Drive and advised that her daughter, Nicole Collins, lives in the house. Ms. Alcon-Ortiz wants to express her concerns with the construction of the carport. Ms. Alcon-Ortiz addressed Mr. Eugene Romero and stated that there was not an existing carport there. Ms. Rains built it within the last few months, she could not remember how long, but she broke the concrete on the existing sidewalk and rebuilt the sidewalk to drive her vehicles over just like a driveway. There is a driveway, just like the other residences, but there was not an existing carport. She further stated that the panels or wall that she put on the left-hand side, if you are looking at her house this way, it is on the left-hand side and it extends probably 12' or so up. It is encroaching and she did not know if Mr. Romero gave her permission or not. The wall is extending right next to the driveway of Mr. Romero. She continued that if the Board gave her permission for this, you are going to set a precedence for all the rest of the neighbors plus the city, because there is an ordinance on how

far you can go on carports, encroaching and everything else. Ms. Alcon-Ortiz continued that she did not care if Ms. Rains built her carport as long as it was built to code. She also brought up their concern with the apparent welding and auto body repair going on at the residence. She stated that there was a lot of metal, autos, motors, and auto body parts in the yard and that brings the value of their properties down too. She also stated that there is a lot of traffic coming through her place.

Chairman Crow thanked Ms. Alcon-Ortiz for her comments.

Ms. Rains came up again and stated that they keep bringing up the panels. She stated that Ben Maynes came out to her house, and they looked at it. Ben told her to remove two panels and she would be okay. Ms. Rains stated that she did what Ben said to do. Mr. Maynes went out there, he measured, and he looked at everything. He was at her house for about half an hour. He told her what to do to meet code and that is what she did. She stated that since they are complaining about everything that is there, there is metal in my yard. What happened is that when my son got sick, he had to put his stuff somewhere and he is living with me. He was in the process of moving out and he would have been able to put the stuff somewhere else. The bulk of the stuff is to the back of the house. You cannot even see it unless you go over there and look. Ms. Rains continued that she did yell at Ms. Torres, but that she was walking a huge dog without a leash or chained. She stated that they should not walk dogs that big without a leash as they are unpredictable. She repeated what she said earlier about people making assumptions.

Chairman Crow thanked Ms. Rains and advised that he would now allow Mr. Torres to do a rebuttal to what Ms. Rains said but went on to state that he and the Board do not want to delve into personalities and personal issues, so this will be the last one on the program.

Mr. Torres stated that Ms. Rains did know about the code, she knew some time ago and that Ms. Rains said that she was going to build what she wanted to build. Then Code Enforcement or somebody went over there and said she could not do that. Mr. Torres stated that she did remove some of the panels. He spoke again about his dog. He stated that Ms. Rains has to follow the code.

Chairman Crow addressed the Board, all of you have heard the positions of the pros and cons and asked if there is any motion to be made at this time.

Mr. Manny Barela stated that he had a question on this panel that they were discussing, and he just did not understand where it was at, if it was on the side wall, is it at least 5 feet from the property line? Ms. Rains stated yes because Ben Maynes went out there and they measured. Mr. Manny Barela stated that it has to be 5 feet. Ms. Rains stated that she told him she was going to cut it. Ms. Maria Perea interjected that the area there was 7 feet. Mr. Manny Barela asked, oh, is it? and continued that he was going by what he had to do at his place, as his was 5 feet. Ms. Rains stated that she believed that they were three-foot panels and that Ben told her to take down two. Ms. Rains said that she then told Ben that she was going to get plexiglass to put there, so she will probably have to take down one more. Mr. Manny Barela asked Ms. Rains if the part she was talking about, did she mean a skylight. Ms. Rains stated no, the plexiglass.

Ms. Alcon-Ortiz came up again and Chairman Crow asked her if it concerned the issue. Ms. Alcon-Ortiz stated that Ms. Rains put metal poles right adjacent to the sidewalks and she has a pole on the wall on this side and right in the front. They are right in front of us, adjacent to the sidewalk. She suggested that they go and look at it before they decide.

Mr. Eugene Romero stated that he had a question for Maria and stated that he is assuming that the panels that Ms. Rains is talking about that are currently higher than they should be, and asked is that from the front edge of the property line or from the front edge of the house to the property line? He then asked what height of fencing is allowed there. Ms. Perea responded that fencing is four feet. Mr. Eugene Romero repeated "4 feet" and then asked Ms. Rains what the height of the panels currently. Ms. Rains stated that probably 8 feet, but Ben said it was like a progression. At the front part of your house, it is 4 feet, but as you go further back you can go higher. Mr. Eugene Romero stated, that if he is correct, right at the edge of the home to the street, it can be 4 feet and from the edge of the home back it

can be up to six feet by code. Ms. Rains stated that it was 6 feet or 8 feet. Ms. Perea stated that it was 6 feet like a fence. Mr. Eugene Romero stated that if you are talking about a fence, it can only be 6 feet from the front corner of the house to the back. Ms. Perea gave an example of how the fences are configured from the front corner of the house and again mentioned the height of the fences for each area.

Ms. Rains stated, did Ben not tell me it is different for a fence and for a carport. Ms. Perea stated that she had no idea what Ben told her and that he should have been here at the meeting to answer questions, and repeated that she had no idea what Ben said. Ms. Rains stated that Ben told her it was different with the fence and with the carport. Repeated that Ben went to her house and checked, and that Ben was the one that helped draw up some of the paperwork to make sure that she was within code. She repeated what Ben told her to do and that she did what Ben said. Ben is the one that has been helping her with everything, so if there is still something this is not or does not fall within code other than the length of the actual carport which is what we are doing here, you would have to ask Ben. Ms. Rains stated that Ben told her that once the variance was approved and she removed those two panels, she should be fine because it is not considered an obstruction.

Chairman Crow asked Maria that since this is such a relevant topic for so many people, Ben should have been here. Ms. Perea stated yes, and he was supposed to be here, and I have no idea why he was not. Chairman Crow stated that he would like it noted in the minutes that he feels that Ben was negligent in his obligations and duty and that he should be at the meeting to answer relevant questions.

Mr. Torres stated that one thing on fences, you have to be within 10 feet from something that is permanent, the front the same thing. We are not talking about the back; we are talking about the front. He stated that Ms. Rains is doing wrong with what she is doing, and she knows it.

Chairman Crow stated that he was going to cut off discussion at this point and asked what the pleasure of the Commission was. Mr. Joe Coca stated that he believed the Board had heard enough and that it should be put to a vote.

Chairman Crow stated that what he was asking for was a motion so that we can get to a vote. Mr. Joe Coca made a motion to put the project to a vote. Chairman Crow asked all in favor of putting the project for a vote, say "aye". Mr. Mike Sweeney stated "Point of Order" Mr. Chairman and stated that he was wondering if this vote is as the Board of Adjustment or is it the Planning & Zoning Commission. Ms. Perea stated that it was the Board of Adjustment. Mr. Mike Sweeney stated that they have us down as the Board of Adjustment and asked if they understood what the vote was. Mr. Manny Barela stated that it was approval or disapproval. Mr. Mike Sweeney stated, it does not go to City Council, if we approve this, Ms. Rains can go ahead with what she wants to do. Ms. Perea interrupted, Excuse me, but they can go to City Council. If they are not happy with the decision, if anybody here present at this meeting is not happy with the decision of the Board of Adjustment, they can appeal it to City Council. Mr. Mike Sweeney state, yes, with that understanding.

Mr. Eugene Romero stated, Mr. Chair, you made a good point about Mr. Ben Maynes not being here today. I think there are a lot of questions that need to be answered by Mr. Maynes concerning the construction, the setbacks, what is there now and how it can be changed or how it can be fixed to meet code or to meet a variance if that is what the Board votes toward. With that, Mr. Eugene Romero stated that he believed that we should table this issue and get Mr. Maynes here to answer the questions that we have. Chairman Crow asked Mr. Eugene Romero if he was putting that in a form of a motion. Mr. Eugene Romero responded, yes sir. Mr. Eugene Romero made a motion to table this issue and have Ben Maynes here to answer the pertinent questions that are not being answered. Chairman Crow asked if there was a second to the motion. Motion was seconded by Ms. Dianne Lindsay. Chairman Crow asked if there was any more discussion on the motion. There was none, so Chairman Crow asked all in favor of approving to table the issue presented say "Aye". Ms. Perea stated that it should be a roll call vote. Chairman Crow then as Ms. Perea to do the vote to table the issue.

Dianne Lindsay – Yes
Mike Sweeney – Yes

Manny Barela – Yes
Joe Coca – Yes
Eugene Romero – Yes

Chairman Crow stated very well, it is a unanimous vote. We will ask Ben Maynes to be at the next meeting. He apologized for having to postpone this, but it is important that Ben be at the meeting to answer their questions and stated that we are going to table this measure until a later time.

Ms. Perea stated that the next meeting will be on August 30, 2021. Ms. Rains asked if it was going to be at the same time. Ms. Perea stated that she would send out the information the same way as last time prior to the meeting.

Chairman Crow stated that the next item on the agenda is the approval or disapproval of Zone Change from an R-A (Residential Agricultural) to a C-3 (General Commercial Zone) for property located at 2446 N. Grand Avenue, Las Vegas, NM 87701 for the purpose of constructing a carwash. Application was submitted by Joseph Rivera, owner. Ms. Perea stated that this was a two-part application as Mr. Rivera is trying to annex that piece of property into the City Limits and then we will do the Zone Change.

Chairman Crow stated that it is up to City Council to annex it in, right. Mss. Perea stated no, the Commission must approve the annexation also and give a recommendation to City Council. She stated that the Planning & Zoning Commission must approve everything before it goes to City Council.

Chairman Crow stated that once the property is annexed into the City then we can consider the zone change. He stated then let's handle the annexation first. He asked everybody if they knew exactly the property is.

Mr. Eugene Romero asked about the properties north and south of that, north of it where Comfort Inn is. Mr. Eugene Romero asked where the Comfort Inn is, is it further south of that and how much further south is it. The question being, Mr. Chair, is the Comfort Inn in the City Limits. Chairman Crow answered he did not know.

Mr. Joseph Rivera that this a good question. Apparently, they were going to annex that property and the gentleman that had the property before, the people that he got it from, they took a vote to not have it part of the City limits because they had animals there, so it behooved them to have it the way it was before as agricultural. Chairman Crow asked for residential agricultural for tax purposes. Mr. Rivera stated that even further before that, more north which is the Comfort Inn that is considered city. Mr. Eugene Romero asked just south of that property? What is the closed thing south would that be Pino's? Mr. Rivera stated that there is a house right there which is part of the City Limits. Mr. Eugene Romero repeated what Mr. Rivera stated. Mr. Rivera stated that across the street, which is Love's, that us within city limits. It was by choice by the individual who wanted to leave it for agricultural purposes. Mr. Eugene Romero stated that the interesting thing about is that, after looking at it, everything north of this, I am assuming, kind of where the new City sign is. From there coming south on the west side of the interstate is in the city limits. Chairman Crow agreed with Mr. Eugene Romero about the west side of I-25 being in the city limits, but not on the east side it is not. Mr. Eugene Romero stated just that portion and Chairman Crow agreed with him. Chairman Crow asked if where they have the Flea Market, is that in the City Limits. Mr. Eugene Romero said yes, and so is Pino's. Chairman Crow asked, where the little arroyo goes down to the north of that is not in the city limits. Mr. Eugene Romero stated that north of that it is not, or that is the way I look at it. He stated he did not know; he could be a little off. We must check with Maria; she would probable know. Chairman Crow referred the question to Maria Perea. Ms. Perea stated that the only piece that is not in the City Limits is the little triangle where the house is and where Mr. Rivera's property is. The area =behind him was annexed by the Gerhardt's because they used to be out of the city. It shows it on the zoning map of the area after the 100-footers list. Chairman Crow stated that he believed Maria and stated that the Gerhardt's property is in the city limits, but the Comfort Inn is not in the city limits. Ms. Perea stated that the Comfort Inn was the first, it was annexed in a long time ago. Then the Gerhardt's did the other area as they are trying to sell the properties. This annexation was done in 2005 and they also changed the property to commercial in that area to sell the properties and you can see the sign there.

Mr. Eugene Romero asked, so the property where Pino's Zip Lube or whatever, it is in the city limits. Ma. Perea responded yes. Mr. Eugene Romero stated, so the only two pieces are the house and Mr. Rivera's property. Ms. Perea stated that it was the little triangle, and the previous owner did not want to annex in because he thought he was going to pay higher taxes, higher utility bills and higher everything. That was Mr. Tapia.

Mr. Eugene Romero stated, with that said, it only makes sense. Mr. Eugene Romero made a motion to annex in that portion of property to make it uniform with the rest of the area. Chairman Crow asked if there was a second to the motion. Mr. Manny Barela seconded the motion. Chairman Crow asked if there was any more discussion before the vote. Ms. Dianne Lindsay stated she had a question and asked if by annexing it in, does it change water usage? Ms. Perea stated that once you annex in a property you are eligible to get water taps there. We only have a moratorium out of city limits right now. Ms. Dianne Lindsay stated, so my question to you, Mr. Rivera, as a car wash, how were you going to deal with the issue.

Chairman Crow stated that we are just talking about annexation. Ms. Dianne Lindsay stated that is where the water comes from. Mr. Mike Sweeney stated, exactly. Ms. Dianne Lindsay stated that if he is in the county, that is a different water situation, so she needs to know that. Mr. Rivera stated, I am sorry, what was your question again? Ms. Dianne Lindsay asked, how are you going to deal with the water shortage for the city and the car wash? Mr. Rivera stated that there are different ways that people are approaching car washes. There is a way to save some of the water and recycle it. He stated that he was not sure of the numbers, but he thought it was 80/20. A lot of the water that I will be using will be recycled. Ms. Dianne Lindsay asked if there was a requirement for that. Mr. Rivera stated that he was not sure, but it is something he wants to do. It is not only for conservation of water, but also for him having to pay for so much water. He stated that it would work in everyone's favor that he recycles the water.

Chairman Crow stated that it was more of a question for the second part of the determination as to the zone change. Ms. Dianne Lindsay stated that the reason she was asking it now is because if we do not annex it in, and he does a car wash, he will not get any water. Mr. Mike Sweeney stated that Mr. Rivera is subject to the moratorium on water, which is very important. It is a totally different world being in the county or extra-territorial zone than it is in the city. Chairman Crow stated he understood that, and Mr. Mike Sweeney continued that he not under the moratorium for the water that the city has ordinance for. Chairman Crow again stated that he understood that (twice). Ms. Dianne Lindsay stated that it was kind of like one before the other, is it not.

Mr. Eugene Romero stated that in all reality, if you look at the city plan, the way it is supposed to layout, and he is speaking from when he was a City Councilman, we were doing a lot of spot zoning. In all reality, that is what this is. It is spot zoning and that needs to stop. Chairman Crow as if it was spot zoning or annexation. Mr. Eugene Romero stated that whether it is annexation or zoning, it is the same idea, so you have a little portion of property that everything around it from the Interstate south or east/west is in the city limits except for this portion of property because the person that owned it before did not want to pay more taxes. He stated that made no sense to him. That is like saying you are going to have a commercial area in a residential zone, and he brought up the discussion about Ms. Rains where the neighbors are saying she is running a business. Mr. Eugene Romero stated that it was up to the City of Las Vegas to stop that, and it is also up to the City of Las Vegas to say we have spot zoning, residential and commercial and we have the same idea with annexation. Mr. Eugene Romero repeated what he had said about a portion of property and everything around it is within city limits, it makes no sense, it must be uniform. He continued, as far as car washes as far as any of that stuff goes, he knows for a fact that he will not be able to build a car wash unless he follows a certain amount of reclamation of to have that car wash in place. Ms. Perea stated that Mr. Rivera must have full plans and continued that Utilities would not provide an estimate until Mr. Rivera has full construction plan as to what he plans to do. Ms. Perea continued that for the Champion Carwash that is coming in behind O'Reilly's. The city worked on that for about two-three years before they started the construction. A lot of it was because of the water situation and all that. Utilities had to keep checking to make sure that they were following the right thing. Chairman Crow stated that made perfect sense. Ms. Perea stated that it is not something that you do quickly, like you get approved now and you are going to start construction in two months. Ms. Perea stated that it took a long time to do the Champion Car Wash.

Chairman Crow stated that what we are talking about right at this particular instant is only the annexation. He continued that he agreed with Mr. Eugene Romero that he did not like spot zoning or spot annexation. It needs to be more uniform to make things more organized and better. Mr. Eugene Romero reminded Chairman Crow that there was a motion on the floor. Chairman Crow stated that there was a motion on the floor and Mr. Eugene Romero stated that he believed there was a second. Chairman Crow asked if there was a second, and Mr. Manny Barela had seconded the motion and then we had the discussion. Chairman Crow asked if there was any more discussion. Mr. Mike Sweeney had a question that if this was approved on annexation in that area, would that leave just that one little house. Mr. Eugene Romero stated yes and so did Ms. Perea. She stated that the Pino's are the ones that own the other little piece with the house, and they did not file any applications. Chairman Crow asked, in order to annex it, the Pino's would have to file for it also, so the annexation cannot be done right now. Mr. Eugene Romero stated that it can be done, just that it is not going to include the portion that the Pino's own. It is just going to include the Mr. Rivera's. There were several people talking at the same time and conversation could not be understood. Mr. Eugene Romero stated that the city should call the Pino's and say that they are the only persons that are not annexed in, you need to get it annexed in. Mr. Joseph Rivera stated that the Pino's sold that property, so it does not belong to them anymore, but he could not remember to who. Mr. Rivera stated that he thought it was Yardman and Ms. Perea stated that the most current information from the Assessor's Office still has it under the Pino's. Mr. Eugene Romero stated that it was up to the City to talk to the owners and say that they must annex in their property so that it is all in the same category. Chairman Crow asked of the property could be annexed without their application and approval. Mr. Eugene Romero stated no. Ms. Perea stated that it could not or at least she did not think so. She was trying to remember the word that is used in cases like that. She explained that was what the City was trying to do in 2010 for a lot of properties outside of city limits; Several persons in the audience throughout names, but Ms. Perea could not remember the term to use. The City would contact all the property owners, but it would go through the state. The state would require surveys, lists of all property owners so they can contact everyone. Chairman Crow asked if the city requires surveys and all that too. Ms. Perea stated that Mr. Rivera already provided a survey for his property. Chairman Crow stated that he was talking about the property owned by the Pino's, that property would have to be surveyed. Ms. Perea stated that it already was surveyed and that she included a copy of the survey in the packet. It includes both pieces of property when the Pino's did their lot split. The new owners of the other property would have to provide us with the same information, and we would do that one. Ms. Perea pointed out the survey, which is Exhibit # 8 in the packets. It includes both pieces of property and I highlighted Mr. Rivera's property that he wants to annex. Mr. Mike Sweeney asked if Mr. Rivera was in the County. Ms. Perea stated that it was County, it is in District 2-Out, and it took some time to find the information and regardless of if it is in the ETZ, it is still in the County. Mr. Eugene Romero stated, but everything around it is in the city limits. Ms. Perea stated yes. Ms. Perea stated that she was not doing all this stuff before, so I do not know why they were never contacted to do annexation for that property. Mr. Mike Sweeney stated that Mr. Tapia had his horses there for a long time.

Mr. Eugene Romero reminded Chairman Crow about the motion on the floor and the second, and there has been discussion, and he would like to take an action on this motion. Chairman Crow stated that he would like to make a point before we vote on this motion and that is what if we vote this motion in and then stopped. Mr. Joe Coca asked if a piece of property is not annexed in the city does that mean that they are not entitled to water. Ms. Perea stated that this piece of property has buildings on it, it has had water for about 50-60 years. Mr. Joe Coca asked about police protection and fire protection and what about everything else. Ms. Perea stated that she had no idea how that happens. Mr. Joe Coca stated that they need to know that before we can forward on this. Ms. Perea stated that is why Mr. Rivera wants to annex in his property. The other piece still stays out because the owners did not come in and apply. Mr. Joe Coca asked how you could have a piece here annexed and a piece just beyond that is not. Ms. Perea stated that is the way things were done. Several people were talking at the same time and conversation could not be understood. Ms. Perea stated again that is the way it has been done and Mr. Alex Rivera pointed out that is what they are trying to correct at this time to get away from the spot zoning. If we can incorporate to be part of the organization, it will behoove everybody. We are trying to get away from spot zoning. Chairman Crow asked if we vote for your motions that is just furthering spot annexations. Mr. Eugene Romero stated that no it is not, because it is shrinking it. That means there would be only one piece left in that whole area that is not annexed in and he thinks it would behoove the City to approach those people and have that property annexed in because they are using city water, and using city sewer, and they are using city services and they are not paying for them because they are not annexed into the city. Ms. Perea stated that they are paying for City services, but they are paying a higher rate, a way higher rate.

Mr. Eugene Romero stated that we need approach them with the respect that they would get a better rate if they were annexed in. He continued, if we approve the motion that he has on the floor, that would be the only portion in the whole strip that would not be annexed in. Chairman Crow stated that he would like to add an amendment to your motion that if this motion is approved, then the city should immediately notify the owner of the other parcel that they should apply for annexation. Mr. Eugene Romero stated that he accepted that as part of his motion and Ms. Perea asked what his motion was. Mr. Eugene Romero stated that his motion was to approve the annexation of Mr. Rivera's property and to request of the city to approach the owners of the small portion that is left there and ask them to apply for annexation into the City of Las Vegas. Chairman Crow asked for a second to the amended motion. Mr. Manny Barela seconded the amended motion. Chairman Crow restated the motion and the second. Mr. Eugene Romero stated that if he recalled correctly, it should be a roll call vote.

Before the Board could vote, Mr. Rivera asked if this approved if he would be able to put utilities on the property. Mr. Eugene Romero stated that is not our deal, do not even go there. Let us vote on our motion. Ms. Perea asked if they were ready to vote. Ms. Perea stated that we do not take care of Utilities. Once this is done, and it goes through City Council, then we worry about all that.

ROLL CALL: Manny Barela – Yes
Eugene Romero – Yes
Joe Coca – Yes
Mike Sweeney – Yes
Dianne Lindsay – Yes

Ms. Perea stated that motion passes unanimously.

Ms. Perea stated that now we can go to the next one. There was some discussion among the people present not related to the discussion. Now the second part of this issue is to approve or disapprove the zone change because now that you have recommended approval of to annex it in it automatically... Chairman Crow stated, but we have not annexed it in. Ms. Perea stated that you have approved it. Chairman Crow stated that they had approved it, but it is going to be up to the City to do the final approval. Ms. Perea stated that now you have to do a recommendation to if you want to change it to a C-3. Mr. Eugene Romero stated that he had a question, and asked Maria, the property in that area, how is it zoned currently, like the Comfort Inn. Ms. Perea stated to look at the map in the original packet that was provided. The map is under Exhibit # 9 in the original packet. If you look at that, everything around there is zoned as C-3, except for one little portion that is an R-3 across the street. Mr. Eugene Romero stated that again, this is like simple math. We are doing what the city has promoted for years to quit spot zoning. Now we made the motion or recommendation to annex in the property, and we should continue that with making a motion to not spot zone but make it commercial C-3. In following that format, we are following the City's master plan, he believes. He continued that it was in the City's master plan that spot zoning is to stop. The property is not zoned correctly for that area so it should be zone C-3. Chairman Crow asked Mr. Rivera if he was requesting it to be zoned C-3? Mr. Rivera stated yes. Ms. Perea continued that the property when approved automatically goes into an R-A, which is residential agricultural. Mr. Rivera asked about C-2 zoning, would that be residential and commercial? Ms. Perea stated no that any "C" reference is just commercial. Mr. Rivera asked what the difference between C-2 and C-3 was. Chairman Crow stated that one was light commercial and the other is heavy commercial use. Mr. Rivera then asked if C-3 was heavier. Mr. Eugene Romero again asked Maria if all that area there C-3 was. Ms. Perea stated that all that side is C-3. Mr. Eugene Romero stated except for the portion that Mr. Rivera owns and the person that is not annexed in. Ms. Perea responded yes and those would automatically as per rules and regulations come in as an R-A which is residential agricultural. Ms. Perea continued that what Mr. Rivera wants to do is not allowed in the residential agricultural area. Chairman Crow stated that they want it to be C-3. Mr. Eugene Romero agreed and made a motion to make it C-3 to stop the spot zoning. Mr. Manny Barela asked, in order for it to be C-3, are you going to have trucks being washed there to. Mr. Rivera stated he thought so. Mr. Manny Barela stated that right across the street is Love's. Mr. Rivera stated that part of his plans were, there are a couple of ways he wants to approach it. His first idea was to do a truck/car wash and to just erect a big building kind of like a carport. Then he thought he wanted to go with a full car wash. He stated that eventually he wants to do both, so he may want to do things in increments. That is how he wants to approach it; he does not want to do everything all at once. He stated that is why he was

asking if he could get the utilities so that he could function. He stated he was not sure how to approach it, but just to have the utilities and start with a big truck wash or a car wash and to have his options open. Mr. Manny Barela stated because Mr. Rivera was going to wash trucks, he would be better off with the C-3. Several commissioners agreed. Ms. Perea stated that zone is the only one that allows it. Mr., Eugene Romero advised Chairman Crow that there was a motion on the floor. Chairman Crow asked buy whom. Mr. Eugene Romero stated by him and repeated his motion. Mr. Eugene Romero made a motion to make that particular property C-3. Mr. Manny Barela seconded the motion. Chairman Crow asked if there was any more discussion. Chairman Crow stated that as Maria mentioned, there is a whole lot of other things that have to go on he starts. Ms. Perea stated yes, once you give your approval or recommendation to go to City Council, City Council has the final say of yes or no. Mr. Rivera still has to provide construction plans for what he is going to do, and we will have a development review team meeting with utilities, with other entities and they will let him know exactly what he needs to do with those construction plans. They will not approve anything until they see construction plans. Chairman Crow asked if there was any more discussion, no one responded and he called for a vote, let us have a roll call vote.

ROLL CALL: Dianne Lindsay – Yes
Joe Coca – Yes
Mike Sweeney – Yes
Eugene Romero - Yes
Manny Barela – Yes

Chairman Crow stated that the motion passes unanimously.

Mr. Rivera asked that in the event he decides not to, because it is going to take a while to get these plans into fruition, and I want to put utilities out there, what if he put like a garage for the time being. He asked if utilities are contingent upon approval of these plans. Ms. Perea stated that she would have to check with Utilities but before they give you utilities, they have to3

look at plans and they can tell you this is not going to work, this is going to work, and they follow what the on-board engineer that looks at this and tells them exactly what is required. Ms. Perea stated that is why it takes so long for some projects. Mr. Rivera stated that was exactly what he wants to stay away from because he does want to erect a garage there eventually. Mr. Eugene Romero advised him to please get a permit, that way we do not have to worry about going to the garage. Mr. Rivera stated that it was just a garage to hustle his vehicles. He stated that he has a lot of classic cars and at the car lot he does not have a garage to put his cars in. Chairman Crow thanked Mr. Rivera and Ms. Perea advised that she would let him know exactly when the Council Meeting is.

OLD BUSINESS

Next item is the review and approval of Board of Adjustment / Planning & Zoning Commission by-laws and rules of procedure. Chairman Chairman Crow stated that this was presented to them by Maria, and we have to approve, change, or reject. He stated that it was only six pages, and he knows that several of the Board, including himself have read them. He stated that he did not see anything problems. He asked Mr. Mike Sweeney and Ms. Dianne Lindsay if they saw any problems. They stated no and Ms. Dianne Lindsay stated that they were very well written. Chairman Crow stated that it covers the whole program. Mr. Mike Sweeney asked commented about the article about having seven members, but it is wishful thinking. Ms. Perea stated that they have been trying to get a seventh member, but it is very hard as they want to get paid. Chairman Crow made a motion that they approve the by-laws and rule of procedure for the Board of Adjustment and Planning & Zoning Commission as presented. Ms. Dianne Lindsay seconded the motion. Chairman Crow asked all for a roll call vote.

ROLL CALL: Manny Barela – Yes
Joe Coca – Yes
Dianne Lindsay – Yes
Eugene Romero - Yes
Mike Sweeney – Yes

Chairman Crow asked for a motion to adjourn. Mr. Romero made a motion to adjourn the meeting, Mr. Barela seconded the motion. Chairman Crow asked all that were in favor of adjourning the meeting say "aye". All said "aye"; all opposed say "nay", none opposed.

Meeting was adjourned at approximately 5:35pm.



Mack Crow, Chairperson

9-17-21
Date